

*** NOT FOR PUBLICATION ***

NO. 25897

IN THE SUPREME COURT OF THE STATE OF HAWAII

WELLS FARGO HOME MORTGAGE, INC., a California corporation,
Plaintiff/Counterclaim-Defendant/Appellee/Cross-Appellee

vs.

JOSEPH A. DE REGO, GWENDOLYN K. DE REGO, Defendants/Cross-Claim
Defendants/Appellants/Cross-Appellees

ICI FUNDING CORPORATION, and JOHN and MARY DOES 1-20; DOE
PARTNERSHIPS, CORPORATIONS or OTHER ENTITIES 1-20, Defendants

and

PAMELA CAMERON, Intervening Defendant/Counterclaim
Plaintiff/Cross-Claim Plaintiff/Appellee/Cross-Appellant

APPEAL FROM THE SECOND CIRCUIT COURT
(CIV. NO. 99-0175)

ORDER DISMISSING APPEAL AND CROSS-APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the Honorable Joel E. August's May 13, 2003 judgment does not resolve all claims against all parties in Civil No. 99-0175 and does not satisfy the requirements for an appealable judgment under Rule 54(b) of the Hawai'i Rules of Civil Procedure (HRCP). "An appeal may be taken from circuit court orders resolving claims against parties only after the orders have been reduced to a judgment and the judgment has been entered in favor of and against the appropriate parties pursuant to HRCP [Rule] 58[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994). "[A]n appeal from any judgment will be dismissed as premature if the judgment does not, on its face, either resolve all claims against all parties or contain the

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finding necessary for certification under HRCP [Rule] 54(b).” Id. at 119, 869 P.2d at 1338. “If a judgment purports to be certified under HRCP [Rule] 54(b), the necessary finding of no just reason for delay . . . must be included in the judgment.” Id. at 120, 869 P.2d at 1339 (emphasis added) (citation omitted).

Although the May 13, 2003 judgment purports to be certified under HRCP Rule 54(b), it does not it does not contain the necessary finding of no just reason for delay. Therefore, the May 13, 2003 judgment is not an appealable final judgment under HRCP Rule 54(b) and HRS § 641-1(a) (1993). Accordingly,

IT IS HEREBY ORDERED that this appeal and cross-appeal are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, October 20, 2003.